

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1-51 are pending in this application. Claims 1, 7-13, 17-20, 37, 42-44, and 47-51 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. patent 6,337,745 to Aiello, Jr. et al. (herein “Aiello”) and U.S. patent 6,348,971 to Owa et al. (herein “Owa”). Claims 2-6, 14-16, 38-41, and 45-46 were rejected under 35 U.S.C. § 103(a) as unpatentable over Aiello and Owa in view of claims 1 and/or 13, and U.S. patent 6,088,120 to Shibusawa et al. (herein “Shibusawa”). Claims 21-36 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Aiello and Owa and Shibusawa.

Initially, applicants and applicants’ representative wish to thank Examiner Tran for the interview granted applicants’ representative on February 24, 2004. During that interview the outstanding rejections were discussed in detail. Further, during that interview applicants’ representative presented comments to Examiner Tran as to how the claims distinguish over the applied art. Proposed amendments were also discussed to clarify the claims over the applied art. The present response sets forth the discussed proposed amendments. Examiner Tran indicated he would further consider such amended claims and arguments to the allowability of the amended claims over the applied art when formally presented in a filed response.

Before addressing the above-noted rejections in detail, it is believed that a brief review of the features of the claimed invention would be helpful.

In a non-limiting example, Figure 1 illustrates a printing system 1 including three different types of printers, a laser printer 4, a digital copier 5, and a stencil printer 6. As for a printing cost for a single printing, the laser printer 4 and digital copier 5 each using toner do not noticeably vary. By contrast, the stencil printer 6 using masters and ink reduces the printing cost for a single printing with an increase in the desired number of printings.

Therefore, at the present stage of development, the stencil printer 6 is lower in printing cost than the laser printer 4 and digital printer 5 for a given number of copies to be printed, for example, ten or more printings. Such subject matter is also discussed for example in the present specification at page 7, lines 16-25. Thus, according to one feature in the claims as currently written a printer having the lowest printing cost is automatically selected to thereby reduce the cost of the desired number of printings. Further, according to another feature in the claims a display can also be provided to an operator of a printing device indicating the printing costs so that the operator can make a decision as to which printer to select based on printing costs.

Addressing now each of the above-noted rejections, each of those rejections is traversed by the present response.

First, with respect to independent claims 11 and 42, those claims have not been amended by the present response, and those claims are believed to clearly distinguish over the applied art.

More specifically, those claims clearly recite a feature of “displaying... additional information *indicating at least a printing cost* for a decision...” (emphasis added).

The above-noted feature is believed to clearly distinguish over the applied art. That is, it is simply the case that none of the applied art teaches, suggests, or even hints at specifically displaying information indicating printing costs.

With respect to the above-noted feature positively recited in the claims the outstanding Office Action states Aiello discloses such features at column 2, lines 26-34.¹ In response to that basis for the outstanding rejection applicants note that at column 2, lines 26-34 Aiello does not teach or suggest displaying any information indicating a printing cost. Applicants believe that at column 2, lines 26-34 Aiello merely discloses displaying a listing

¹ Office Action of January 20, 2004, page 4, first paragraph.

of received print jobs and displaying printers so that a selecting may include a dragging-and-dropping of a selected print job onto a printer icon. At that cited portion Aiello does not disclose specifically displaying information indicating printing costs, as specifically required in independent claims 11 and 42. Thus, those claims are believed to clearly distinguish over Aiello.

With respect to independent claims 1, 13, 21, 29, 37, and 44, it is initially noted that those claims are amended by the present response to clarify features recited therein. Specifically, independent claim 1 now further recites “deciding means for comparing the input information with the preselected reference number” and further automatically selecting a printer having the lowest printing costs from a plurality of printers “based on an output from the deciding means”. Such features are fully supported for example by Figures 2 and 3 in the present specification. As noted in those figures, and as discussed in the specification at corresponding portions describing Figures 2 and 3, when a number of printings is selected by an operator a deciding means 23 compares that selected number to a reference value. Whether the selected number of printings is greater than or less than the reference value will determine which printer is automatically selected to reduce the printing costs. Such features clearly distinguish over the applied art.

As recognized in the Office Action Aiello does not teach selecting a lowest printing cost printer.² To overcome such deficiencies in Aiello the outstanding Office Action now relies on the teachings in Owa, and particularly with respect to Owa disclosing distributing a monochrome printing to a monochrome printer.

Applicants first note that no combination of teachings of Aiello in view of Owa even addresses the features now clarified in the claims of basing an automatic selection of a printer

² Office Action of January 20, 2004, paragraph bridging pages 2 and 3.

on a comparison of an input desired number of printings with a preselected reference number.

Thus, the claims clearly distinguish over the applied art.

Applicants also note that the combination of teachings of Aiello in view of Owa does not even address the more basic features of the claims of selecting a printer having a lowest printing cost. To address such deficiencies in the applied art the outstanding Office Action states:

Although Aiello does not [teach] a lowest printing cost is selected matching with the desired number of printing, Aiello teaches the operator can select a specific printer for the particular print job (col. 5, lines 47-48). Therefore, the printer having the feature for a lowest printing cost to be selected which is well known in the prior art because the operator can select any printer connected to the server.³

In response to that statement in the outstanding Office Action, applicants believe the noted statement is not based on any teachings in the prior art and is an improper hindsight reconstruction of applicants' invention. That is, allowing an operator to select a specific printer is not even similar to automatically selecting a printer having a lowest printing cost. Just because an operator *may* select a printer based on cost does not correlate with a system automatically selecting a printer based on lowest printing costs as recited in the claims. Thus, the basis for the outstanding rejection is believed to be clearly improper.

Moreover, clearly no teachings in Aiello to an operator being able to select a printer have any relevance whatsoever to automatically selecting a printer having the lowest printing costs based on comparing an input desired number of printings with a preselected reference number, as now even further clarified in the claims.

Moreover, no teachings in Shibusawa can overcome any of the above-noted deficiencies of Aiello in view of Owa.

³ Office Action of January 20, 2004, page 12, last six lines.

In such ways, applicants respectfully submit that each of amended independent claims 1, 13, 21, 29, 37, and 44, and the claims dependent therefrom, also clearly distinguish over the applied art.

In such ways, applicants respectfully submit that each of claims 1-51 are now allowable.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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